

## **Assembly Bill No. 1644**

### **CHAPTER 189**

An act to amend Section 942 of, and to add Sections 951, 952, 953, and 954 to, the Military and Veterans Code, relating to veterans.

[Approved by Governor August 27, 2010. Filed with  
Secretary of State August 27, 2010.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1644, Nielsen. Veterans' remains.

Existing law regulates the custody, control, and interment of human remains.

This bill would allow prescribed entities in possession of the cremated remains of a veteran, upon the request of a veterans' remains organization, as defined, to release specified information and remains to a veterans' remains organization for the purpose of interment if certain conditions are met. The bill would require the veterans' remains organization to take all reasonable steps to inter remains received. The bill would also exempt from civil liability, except for willful or wanton misconduct, an entity that releases information or remains after meeting the specified conditions and exempt from negligence a veterans' remains organization that receives and inters remains if the veterans' remains organization does not know or have reason to know that the remains were not released in compliance with the above conditions.

Existing law requires the board of supervisors of each county to designate an honorably discharged soldier, sailor, or marine in the county who has served in or with the army or navy of the United States, and shall cause to be decently interred the body of any veteran or widow of a veteran who dies in the county without having sufficient means to defray the expenses of burial, except as otherwise provided.

This bill would require the board of supervisors of each county to designate an honorably discharged veteran of the United States military or a member of a veterans' remains organization who shall cause to be decently interred the body of any veteran or spouse or eligible dependent of a veteran as defined by the United States Department of Veterans Affairs for compensation purposes who dies in the county. This bill would encourage the board of supervisors of each county to designate personnel from a veterans' remains organization for that purpose. This bill would also require the specified entities to verify and inter unclaimed cremated remains of veterans in accordance with specified laws.

*The people of the State of California do enact as follows:*

SECTION 1. The heading of Article 2 (commencing with Section 940) of Chapter 5 of Division 4 of the Military and Veterans Code is amended to read:

Article 2. Burial of Veterans and Veterans' Dependents

SEC. 2. Section 942 of the Military and Veterans Code is amended to read:

942. The board of supervisors of each county shall designate an honorably discharged veteran of the United States military or a member of a veterans' remains organization, as defined in Section 951, who shall cause to be decently interred the body of any veteran or spouse or eligible dependent of a veteran as defined by the United States Department of Veterans Affairs for compensation purposes who dies in the county. This section shall apply to all indigent, abandoned, or unclaimed veterans and dependents of veterans, including those deceased veterans and dependents of veterans without sufficient means to defray the expenses of burial, other than moneys paid or due and payable by the United States, pursuant to the World War Adjusted Compensation Act.

SEC. 3. Section 951 is added to the Military and Veterans Code, to read:

951. (a) "Veteran status information" means the data required by the Department of Veterans Affairs to verify the status of a decedent as either a veteran or the dependent of a veteran for purposes of eligibility for burial in a national or state cemetery, including the person's name, service number, social security number, date of birth, date of death, place of birth, branch of the service, and military rank.

(b) "Veterans' remains organization" means any entity recognized by the Veterans Administration and the National Personnel Records Center as an organization authorized to verify and inter unclaimed cremated remains of American veterans, including a member or employee of that entity.

SEC. 4. Section 952 is added to the Military and Veterans Code, to read:

952. (a) A cemetery corporation or association, or other entity in possession of the cremated remains of a veteran or dependent of a veteran, shall, upon request of a veterans' remains organization and after verifying the status of the veterans' remains organization as an organization currently authorized by the Veterans Administration and the National Personnel Records Center or as an organization authorized by the local county board of supervisors to verify and inter unclaimed cremated remains of American veterans, release veteran status information to the veterans' remains organization.

(b) The use or disclosure of veteran status information obtained by a veterans' remains organization pursuant to subdivision (a) shall be permitted only for the purpose of verifying veteran interment benefits of the deceased

veteran or a dependent of a veteran with the Department of Veterans Affairs and shall not be used or disclosed for any other purpose.

(c) The cemetery authority, cemetery corporation or association, or other entity in possession of the cremated remains of a veteran or dependent of a veteran may, upon request of a veterans' remains organization and after verifying the status of the veterans' remains organization as an organization currently authorized by the Veterans Administration and the National Personnel Records Center or as an organization authorized by the local county board of supervisors to verify and inter unclaimed cremated remains of American veterans, release the cremated remains of the veteran or dependent of a veteran to a veterans' remains organization for the sole purpose of interment, subject to Section 943 and Sections 7110 and 7208 of the Health and Safety Code, when all of the following conditions have been met:

(1) The veterans' remains organization has verified the interment benefits of the deceased veteran or dependent of a veteran with the Department of Veterans Affairs and provided documentation of the verification to the cemetery authority, cemetery corporation or association, or other entity that the decedent is a veteran or a dependent of a veteran eligible for burial in a national or state cemetery.

(2) The veterans' remains organization has made a reasonable effort to locate the agent or family member who has the right to control the cremated remains of the veteran or dependent of a veteran.

(3) The veterans' remains organization has provided notice to all known agents or family members who have the right to control the cremated remains of the veteran or dependent of a veteran of the veteran's remains organization's intent to claim the cremated remains of the veteran or dependent of a veteran for the purpose of providing a proper burial of the cremated remains of the veteran or dependent of a veteran in accordance with Section 943 and Sections 7110 and 7208 of the Health and Safety Code.

(4) An agent or family member who has the right to control the cremated remains of the veteran or dependent of a veteran has made no attempt to claim the cremated remains.

(5) The cremated remains have been in the possession of the cemetery authority, cemetery corporation or association, or other entity for a period of at least one year.

(d) The cemetery authority, cemetery corporation or association, or other entity that releases veteran status information or cremated remains of the veteran or dependent of a veteran pursuant to this section shall not be subject to civil liability, except for gross negligence, if all of the conditions of this section are met.

SEC. 5. Section 953 is added to the Military and Veterans Code, to read:

953. (a) A veterans' remains organization shall take all reasonable steps to inter the cremated remains of a veteran or dependent of a veteran received in accordance with this article.

(b) A veterans' remains organization that receives and inters the cremated remains of a veteran or dependent of a veteran pursuant to this article shall

not be liable for negligence if the veterans' remains organization does not know or have reason to know that the cremated remains of the veteran or dependent of a veteran were not released by the cemetery authority, cemetery corporation or association, or other entity in compliance with subdivisions (a) and (c) of Section 952.

SEC. 6. Section 954 is added to the Military and Veterans Code, to read:

954. The board of supervisors of each county is encouraged to designate personnel from a veterans' remains organization, as defined in Section 951, to fulfill the role created in Section 942.